

Remarks

The Office Communications mailed November 6, 2002, June 11, 2003, July 16, 2003, and the May 24, 2004 Decision on Petition to Withdraw the Holding of Abandonment denial of the petition have been carefully considered. This amendment is believed to comply with requirements of 37 C.F.R. 1.173 regarding amendments in reissue applications. Claims 1-4, 6-11, and 13-14 have been amended. New claims 15-25 have been renumbered and amended from formerly presented new claims 15-18, 30, and 32-38. Claims 5 and 12 have been cancelled without prejudice. Claims 1-4, 6-11 and 13-25 remain pending in the application.

Claims 1-18, 30 and 32-38 were rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251. A new proposed reissue declaration is enclosed that overcomes this rejection of the pending claims. Upon Examiner approval of the proposed declaration, the Applicant will obtain the inventors signature on the declaration. ?

Applicant acknowledges that claims 5-6, 12-13, and 16-17 were objected to but would be allowable if rewritten in independent form and if a declaration is supplied that overcomes the rejection under 35 U.S.C. 251. In addition, former claim 32 (now claim was indicated as allowable, if a declaration is supplied that overcomes the rejection under 35 U.S.C. 251. Independent claim 1 has been amended to incorporate graduated measuring scale elements of claim 5. Similarly, claim 8 has been amended to incorporate graduated measuring scale elements of claim 12. Further, claim 15 has been amended to incorporate tensioning rail attachment chamber elements of former claim 16. Claim 18, 20-22 and 24 have been amended to incorporate tensioning rail attachment blocks with tensioning screws that apply force to the elongate tensioning rail as claimed in former claim 32. As such, independent claims 1, 8, 15, 18, 20-22 and 24 are believed to be allowable over the prior art of record. Claims 2-4, 6, and 7 depend from claim 1 and therefore are allowable over the prior art of record for the same reasons that claim 1 is allowable. Claims 9-11, 13 and 14 depend from claim 8 and therefore are allowable over the prior art of record for the same reasons that claim 8 is allowable. Claims 16 and 17 depend from claim 15 and therefore are allowable over the prior art of record for the same reasons that claim 15 is allowable. Claims 19, 23,

and 25 depend from claims 18, 22, and 24, respectively, and therefore are allowable over the prior art of record for the same reasons that claim 18, 22, and 24 are allowable.

Claims 1, 2-3, 7-10, 14-15, 30, and 33-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over either the prior art as admitted by applicant or Wheatley '735 in view of Buratovich '802. In addition, claims 4 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over either the prior art as admitted by applicant or Wheatley '735 in view of Buratovich '802 and further in view of Lamb '660. Although amendments have been made to the claims 1-4, 7-10 and 14-15 to bring these claims into condition for allowance as noted previously, the 103(a) obviousness rejection is respectfully traversed and the applicant reserves the right to pursue claims similar to the original claims in this or a subsequent application.

Conclusion

On the basis of the foregoing, Applicant respectfully submits that the claims 1-4, 6-11 and 13-25 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Charles M. Schmeichel
By attorneys/agents:

MOORE, HANSEN & SUMNER, PLLP
225 South Sixth Street
Suite 4850
Minneapolis, Minnesota 55402
(612) 332-8200

Date: 11 February 2005

By 
Shawn B. Dempster, Registration No. 34,321